IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5415 of 1999

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DIVISIONAL CONTROLLER

Versus

RAJNIKANT AMBALAL BHATT

Appearance:

MR KM PARIKH for Petitioner

MR BA VAISHNAV for respondent

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 20/01/2000

ORAL JUDGEMENT

1. On a joint request of learned counsel for the respective parties Rule is taken up for hearing today.

2. I have heard the learned counsel for the respective parties, perused the impugned judgement and award, and perused such evidentiary material on record to

which my attention has been drawn. Ultimately the question is of the punishment imposed by the disciplinary authority, as reduced by the Labour Court. The Labour Court has not interfered with the order of dismissal, but has merely directed that he should be paid backwages at the rate of 40% from the date of termination till the date of his superannuation. It is this figure of 40% which is under discussion before me today.

3. As a result of the hearing and discussion, I inquired of both the learned counsel as to whether they could suggest a reasonable figure of backwages which could be awarded, being something less than 40% awarded by the Labour Court, which is under challenge in the present petition. As a result of this discussion, both the counsel have gracefully accepted the suggestion of this court and have agreed that backwages at the rate of 30% would meet the ends of justice.

4. It is accordingly directed that the respondent workman shall be entitled to backwages only at the rate of 30% instead of 40% as directed by the Labour Court. Accordingly the impugned judgement and award stands modified only to the aforesaid extent.

5. This petition is, therefore, allowed to the aforesaid extent. Rule is made absolute with no order as to costs.

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